

## **Planning Board Minutes May 7, 2018**

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A meeting of the Planning Board, Town of Yorktown, was held on May 7, 2018, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, John Kincart, opened the meeting at 7:00 pm with the following members present:

Anthony Tripodi  
William LaScala  
Robert Garrigan, Alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; and Kristen Wilson, Planning Board Counsel.

**Correspondence:** The Board reviewed correspondence received for items not on the agenda.

### **Meeting Minutes:**

**Upon a motion by LaScala, seconded by Tripodi, and with LaScala, Kincart, and Tripodi voting in favor, the April 23, 2018 Meeting Minutes were approved.**

### **REGULAR SESSION**

#### **Hilltop Associates**

**SBL: 37.6-1-25**

#### **First 90 Day Time Extension**

Location: Hilltop Road

Contact: Michael Blank

Description: A 3-lot subdivision on 14.6 acres in the R1-40 zone, with preliminary approval from the Planning Board by Resolution #08-02 on January 14, 2008.

The applicant, Michael Blank, was present. Blank stated that he is waiting to see how the new proposed areas to be sewerred in town materialize or not and if that will affect how this property is sewerred. Supervisor Gilbert just received the layout for this area.

**Upon a motion by LaScala, seconded by Tripodi, and with LaScala, Kincart, and Tripodi voting in favor, the Board granted a First 90 day Time Extension for Preliminary approval of the Hilltop Associates Subdivision.**

#### **Anderson Subdivision**

**SBL: 58.9-1-20**

#### **Public Informational Hearing**

Location: 1695 Croton Lake Road

Contact: Ciarcia Engineering

Description: Proposed 2-lot subdivision on 15.72 acres, in the R1-80 zone, where one residence currently exists.

**Upon a motion by LaScala, and seconded by Tripodi, the Board opened the Public Informational Hearing.**

The Planning Department reported that there was one neighbor that was not noticed as required, therefore the hearing must be adjourned.

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Dan Ciarcia, project engineer, was present. Ciarcia described the location of the property on Route 129. The property is 15.7 acres with one existing home and two garage/barn buildings. The current driveway enters the property through an easement across the adjacent lot. The Anderson's are looking to build a smaller new home for themselves on the new lot. There is a wetland on the property that was flagged. There is a reservoir stem located on the property, which the NYC DEP requires a 500 foot buffer. There is a 300 foot setback from the reservoir as well. The driveway will not be paved. The proposed home does encroach into the required 70 foot rear yard setback, however this is against the reservoir only and there are no other neighbors. The applicant hopes the Board will support a variance application to the Zoning Board for this reason. Ciarcia stated the applicant has completed soil testing for the proposed septic system.

### Jim Morris, Bridge Point Lane

Morris stated he had an issue with the driveway location. There is already a problem getting out of Bridge Pointe Lane due to the site distance on the curve and speeds in the area.

Ciarcia responded that the position of the driveway is constrained by the two culverts on Route 129 and the site wetlands. The driveway aligns with Bridge Pointe Lane. Kincart stated that having the driveway directly across from Bridge Point Lane is the ideal location so those drivers can see each other when entering the roadway, especially when making left turns.

**Upon a motion by Tripodi, seconded by LaScala, and with all those present voting in favor, the Board adjourned the hearing until the June 13, 2018 meeting.**

### **Shrub Oak International School**

**SBL: 26.5-1-4**

#### **Public Hearing**

Location: 3151 Stony Street

Contact: Zarin and Steinmetz

Description: The applicant has requested amendments to the Site Plan and Stormwater Pollution Prevention Plan approved by Planning Board Resolution #17-10 on June 26, 2017. The applicant has also proposed to phase the construction of the development.

**Upon a motion by Tripodi, seconded by Garrigan, and with all those present voting in favor, the Board opened the Public Hearing.**

Michael Cunningham, Zarin & Steinmetz. Brian Koeffler, general counsel for the school; Gerry Schwalbe, civil engineer from Divney Tung Schwalbe; and Renee Marcus & Maria Di Natale, project architects from H2M. Cunningham stated that subsequent to the Board's approval of the project, while the applicant was working through the plans and hiring a new civil engineer, they determined several site amendments would be necessary. The school still has an anticipated opening in September.

Schwalbe reviewed the majority of the plan, which is remaining the same. Schwalbe then reviewed the proposed changes to the approved site plan. The secondary access is still proposed, however it will no longer be a town road, but a driveway connection up to the homes on that side of the property and the town park. In addition the applicant is proposing to:

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- 1) Break the construction into two segments. September enrollment of 55-60 students using main driveway. Upgrade existing parking and landscaping.
- 2) Security fence, which looks more like deer fencing, surrounding the school itself is proposed at 8 feet high. Fencing around the entire property to the west may be proposed in Phase 2.
- 3) Lighting is proposed along the entrance road because currently there are no lights at all.
- 4) Screening alongside the northern property line with adjacent residential properties has been modified to include more appropriate plantings.
- 5) Added an equestrian arena to south side of site.

Details of Phase I – (northern half of the site)

- 1) Shadow box fence 6 feet high and evergreen plants next to neighbors. Lighting is positioned and shielded only towards parking, and not towards the neighbors.
- 2) Upgrading other existing landscaped areas near the front of the building.
- 3) Existing parking will be repaired and restriped.
- 4) Helipad
- 5) Small animal barn and circular fenced area.
- 6) Period lighting that exists immediately adjacent to the building will remain with new heads.
- 7) Primary driveway lighting.

Details of Phase 2 – (southern half of the site) This part of the project is in the NYC watershed and requires NYCDEP approval.

- 1) Secondary access to site and park.
- 2) Added parking
- 3) Equestrian center

Kincart asked if the staff would be reduced in Phase 1 as well. Schwalbe stated yes, the staff would be reduced in size during Phase 1.

Jay Kopstein – Van Cortlandt Circle

If the Planning Board approves these amendments, they should notice the Town Board on the new construction because it will have an effect on the PILOT that has already been approved.

Cunningham stated that John Burns, an assessment professional, negotiated the multi-year agreement for the school that was referred to as a PILOT. This agreement takes into account improvements made to the school property as proposed. Cunningham requested the Board close the Public Hearing and vote on the proposed amendments.

Cunningham stated he had questions about two of the conditions in the draft resolution. The proposed fence is 8 feet high, which is too high in the residential zone. Cunningham asked if the Board could waive this or if a variance would be required. Tegeder stated that fences are regulated by Chapter 300 and therefore a variance from the Zoning Board is required. The Board had no issue with the height of the fence and stated they would recommend the variance be granted. The applicant will note this required variance on the site plan. Cunningham asked if the Board could increase the number of students beyond the 55 proposed for Phase 1. In case the work takes longer and more students are added the following year, but before Phase 2 is complete. Tegeder asked if the architect could elaborate about the Phase 1 improvements to the building and how many students that phase could accommodate.

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Marcus stated the building is a Y shaped. Phase 1 includes everything except the two wings that make the Y shape. This encompasses all floors of the core of the building. Marcus has revised the plans to include this phasing and show that all proper exits, stairways, elevators, etc are maintained. The pool will be for a much later phase. Marcus stated that the core of the building can accommodate approximately 80 single occupancy dorm rooms for students.

Kincart asked what the difference in staffing numbers would be between 55 and 80 students. Koeffler stated Phase 1 can adequately accommodate around 100 students. The staffing numbers are not proportional. There is a lot of the same staff required for the 55 such as grounds, facilities, cafeteria, etc. There will be three shifts. A fair estimate would be that for every 8 additional students, approximately 3-4 additional staff during the day are required. Overall there is less staff required at night. There could be approximately 1 additional staff member for every 20 students.

Kincart asked about the accessory homes. Marcus stated that any new construction would take place in Phase 2.

Tegeder recommended close the hearing if they choose and then work on the resolution at the next work session.

**Upon a motion by Garrigan, seconded by Tripodi, and with all those present voting in favor the Board closed the Public hearing and allowed for a written comment period of 10 days.**

The Board recommended the applicant make application to the Zoning Board of Appeals for fence.

### **Fieldstone Manor**

**SBL: 15.11-1-17**

#### **Second 90 Day Time Extension**

Location: Strawberry Road

Contact: Site Design Consultants

Description: A 21-lot cluster subdivision on 22.94 acres in the R1-20 zone that received Final Subdivision Plat Approval by Resolution #16-16 on August 8, 2016.

Joseph Riina, project engineer, was present. Riina stated that applicant is still working on financing to pay the remaining fees for the subdivision.

**Upon a motion by Tripodi, seconded by LaScala, and with Tripodi, LaScala, and Garrigan voting in favor, Kincart abstained, the Board granted a 2<sup>nd</sup> 90 Day Time Extension for the Fieldstone Manor Subdivision.**

### **Sandvoss Minor Subdivision**

**SBL: 59.07-1-7**

#### **Decision SEQR Determination**

Location: 1005 Hanover Street

Contact: Site Design Consultants

Description: Proposed 3-lot subdivision on 18.62 acres in the R1-80 zone. Lots to be served by private wells and septic systems.

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Joseph Riina, project engineer, was present. Riina stated that at the last meeting the project was discussed, a last minute memo was received from the Conservation Board. Since then, the applicant and two Planning Board members attended the Conservation Board meeting. The Board decided to issue a Negative Declaration for the project in order to let the NYC DEP complete its review.

**Upon a motion by LaScala, seconded by Garrigan, and with all those present voting in favor, the Board declared itself Lead Agency.**

**Upon a motion by Tripodi, seconded by Garrigan, and with all those present voting in favor, the Board adopted a Negative Declaration.**

**Upon a motion by Tripodi, seconded by Garrigan, and with all those present voting aye, the Board closed the Regular Session.**

### **WORK SESSION**

#### **Mohegan Audi Addition**

**SBL: 15.16-1-45**

#### **Discussion Amended Site Plan**

Location: 1791 East Main Street

Contact: Site Design Consultants

Description: Proposed 11,000 sf addition to an existing 16,000 sf car dealership for service bays.

Joseph Riina, project engineer, and Phil Grealy, traffic engineer, were present. Riina reported that the applicant has hired David Steinmetz to work through the zoning issues. Grealy stated that the proposed condition will create less traffic than the deli/restaurant that had been located on the corner. The applicant has a preliminary meeting with the NYS DOT. Grealy reported that the DOT was happy with closing the access points on the corner parcel. Grealy will propose minor signal timing adjustments at the intersection. Grealy stated that an adaptive signal was installed at the Lexington Avenue intersection to ease traffic congestion on Route 6. Riina will show a truck loading area on the property in the case a car carrier does come to the site. The Board scheduled a Public Information Hearing for the June 11, 2018 meeting.

Tegeder will attend a meeting with the applicant at the NYS DOT offices to discuss this and several other projects on May 14<sup>th</sup> at 1 pm.

#### **PCSB Bank Commerce Street**

**SBL: 37.14-2-52**

#### **Discussion Site Plan**

Location: 1990 Commerce Street

Contact: Insite Engineering

Description: Proposed amended site plan to add a drive-thru window and canopy to the existing bank building located on the same parcel with the CVS.

Dawn McKenzie, from Insite Engineering, Stephanie Fox, project architect; and Robert Ferrier, from PCSB; were present. Kincart asked about the faux roof shingles. Fox displayed a material sample and stated the existing roof will remain. The faux shingles are to match. Kincart asked about

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the drainage on the site. McKenzie stated a yard drain will be added at the low point and tie it into the existing roof drain system. D'Agostino asked about the lane widths of the drive-thru. Ferrier stated there are no rules about the lane widths. As proposed lane widths are 9 feet, 9 feet, and 9 feet -10 inches for the by-pass lane. Ferrier stated that their Brewster location has smaller lanes. Tegeder asked for an additional turning study from the adjacent parking lot through the by-pass lane. McKenzie stated that they have a preliminary lighting plan and a landscaping plan. All the existing building lights will be removed and replaced. The Board scheduled a Public Informational Hearing for the June 11<sup>th</sup> meeting. Ferrier stated the bank's anticipated opening is September 1, 2018.

### **Adrian Auto Body**

**SBL: 26.18-1-24**

#### **Discussion Amended Site Plan**

Location: 3330 Old Crompond Road

Contact: Ciarcia Engineering

Description: Proposed amended plan to reduce the proposed building addition to 900 sf where a 3,950 sf addition was approved by Planning Board Resolution #17-05 on April 17, 2017.

Dan Ciarcia, project engineer, and Joseph Adrian were present. Ciarcia showed the 4,000 square foot addition the Board had approved. Instead Adrian would like to propose a prefabricated 900 square foot building for a spray booth and attendant area. This enclosure would be open on one side. Adrian described the structure as more like an oversized shed. The spray booth is a self-contained unit that would go inside and the electric connection is made to the inside of the building. David Tetro has been hired to do the architecture. An infiltration trench will be added around the structure for stormwater. There is only a very slight increase in impervious. Ciarcia stated that the applicant must return to the NYCDEP to modify the approval. The prior SEQR determination would cover this amended as the review had considered a much larger improvement. Ciarcia will submit a modified SWPPP to refer to the NYCDEP.

### **Crompond Terraces**

**SBL: 26.18-1-11, 12, 14, 15, & 16**

#### **Discussion Site Plan**

Location: Old Crompond Road

Contact: Ciarcia Engineering

Description: Proposed residential community and commercial site plan on approximately 16.9 acres in the R-3 zone and 6.7 acres in the C-2R zone.

Dan Ciarcia, project engineer, and applicants Howard Zellin & Steve Montopoulos were present. Ciarcia stated that the applicant is returning to the Board with a new layout. The site is zoned C-2R (6.7 acres) and R-3 (16.9 acres). One single building in the commercial zone; 31,000 sf footprint, with first floor commercial and 2 upper floors of residential, with a plaza in the front. The residential portion of the site now shows 30 unit larger buildings instead of the multiple buildings all on the slope. Ciarcia stated the design concept would be similar to Jacob's Hill in Cortlandt or Glassbury Court in Mount Kisco. Ciarcia stated the applicant was unsure of the parking requirement in the R-3 zone; 1.5 spaces or 2.2 spaces per unit. The parking shown is for 1.5 requirement. All parking is surface parking. Proposing one and two bedroom rental units. The units would be 800 – 1,000 square feet and rent for about \$2,000 - \$3,000. Zellin stated he anticipated 50/50 split between one and two bedroom units. Zellin stated that he listened to the Board's previous comments about the

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proposed development. Zellin summarized his thoughts on the new concept plan. He thought the new concept decreased the disturbance from the full 18 acres to about 6 acres. A walking or hiking trail could be incorporated around the property for recreation. The Chen property could possibly be used for some recreation space if wanted by the town. All of the roads within the development will be private. The residential portion shows about 10 units/acre which fits into the R-3 zone. The traffic study must be updated for the new project. 60 residential units are proposed in the commercial building. Therefore a total of 240 residential units are proposed on the entire site. Kincart stated his major concern would be the traffic. The existing roads are barely functioning without this project.

The traffic study that was completed for the previous proposal 45,000 square foot office, 32,000 square foot retail, and 80 residential units. Tegeder stated the applicant should look at similar projects and list what their parking counts are so the Board can compare. The applicant should also submit a narrative describing the different parameters of the new application. Steinberg stated the applicant must submit a formal application to the Board.

### **Bellamy Construction**

**SBL: 16.14-1-7.1**

#### **Discussion Approved Subdivision**

Location: 3423 Stony Street

Contact: Steve Burns, PE

Description: Proposed residence on Lot 2 of the Friends Subdivision approved by Planning Board Resolution #07-16 on September 10, 2007.

No one was present.

### **Town Board Referral – Wetland Permit for Mohegan Lake**

#### **Discussion Wetland Permit**

Location: Lakeshore Drive

Contact: Mohegan Lake Improvement District

Description: Proposed general wetland permit to maintain and improve the lake environment. Such activities may include fish stocking, aeration, weed harvesting, garbage cleanup, maintenance of aeration sheds/equipment, maintenance of areas to access the lake, removal of invasive species, and chemical treatments to control harmful algae bloom and the toxins they produce.

The Board had no planning issues with this project.

### **Town Board Referral – Wetland Permit to Replace Gas Main on Gomer Street**

#### **Discussion Wetland Permit**

Location: Gomer Street (between Homestead Road and Granite Springs Road)

Contact: Con Edison

Description: Proposed to remove and upgrade an 8-inch high pressure steel gas main with a 16-inch high pressure steel gas main and an 8-inch polyethylene gas main along Gomer Street.

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The Board had no planning issues with this project, provided there is no impact to the adjacent wetlands.

### **Hill Boulevard Diner**

**SBL: 16.08-1-1**

#### **Discussion Site Plan**

Location: 3667 Hill Boulevard

Contact: Nixon Architecture

Description: Proposed restaurant in an existing retail building. No exterior work is proposed.

Present were: Helen Biffer, Lydia Biffer, and Anthony Santone, their attorney. Biffer stated that her plan shows to consolidated the refuse containers into 3 parking spaces with a fence around them. A shared parking between the two sites she owns will be filed. One of the sheds was relocated closer to Frankie & Augie'Z because they want to use it. They are going to remove some of their sheds up against the main sheds. Then come in for permits on all their structures. A permit for the shed for the cleaners will be submitted to legalize it. If the PB is okay with the condition, the Board would approve the layout of the sheds provided they receive permits. Tegeder code states that shared parking covenant must be filed with the county and when the use leaves, the covenant extinguishes. Tegeder stated that as long as the sheds are legalized, I think we can move forward with the diner. The permits must be in place before a CO for the diners. A 6 ft fence. 12 ft gates to open. Providing some sort of side entrance for tenants to load in garbage without opening a 12 ft wide gate. Fence with mesh on all sides.

**Upon a motion by Tripodi, seconded by Garrigan, and with all those present voting in favor, the Board opened a Special Session.**

**Upon a motion by LaScala, seconded by Tripodi, and with all those present voting in favor, the Board approved a resolution modifying the parking requirement for Biffer Enterprises.**

**Upon a motion by Tripodi, seconded by Garrigan, and with all those present voting in favor, the Board closed the Special Session.**

**Upon a motion by Tripodi, seconded by Garrigan, and with all those present voting in favor, the Board voted to close the meeting at 10:00 pm.**